



Reprinted  
February 11, 1999

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## HOUSE BILL No. 1728

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DIGEST OF HB 1728 (Updated February 10, 1999 4:18 pm - DI 94)

**Citations Affected:** IC 22-3.

**Synopsis:** Disabled from trade compensation. Creates disabled from trade compensation. Provides that an employee who: (1) has an injury that results in a temporary total disability or a temporary partial impairment; (2) has reached maximum medical improvement; and (3) is capable of performing work with permanent limitations or restrictions that prevents the employee from returning to the position the employee held before the employee's injury may receive compensation for the difference in average weekly earnings lost. Limits disabled from trade compensation to 52 consecutive weeks or 78 aggregate weeks. Provides for the determination of disabled from trade compensation.

**Effective:** July 1, 1999.

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**Kersey, Liggett**

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January 26, 1999, read first time and referred to Committee on Labor and Employment.  
February 2, 1999, amended, reported — Do Pass.  
February 10, 1999, read second time, amended, ordered engrossed.

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HB 1728—LS 7388/DI 94+



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1728

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-3-3-33 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]: **Sec. 33. (a) If an employee:**
- 4 (1) **receives an injury that results in a temporary total**
- 5 **disability or a temporary partial disability;**
- 6 (2) **has reached maximum medical improvement; and**
- 7 (3) **is capable of performing work with permanent limitations**
- 8 **or restrictions that prevent the employee from returning to**
- 9 **the position the employee held before the employee's injury;**
- 10 **the employee may receive disabled from trade compensation.**
- 11 (b) **An employee may receive disabled from trade compensation**
- 12 **for a period not to exceed:**
- 13 (1) **fifty-two (52) consecutive weeks; or**
- 14 (2) **seventy-eight (78) aggregate weeks.**
- 15 (c) **An employee is entitled to receive disabled from trade**
- 16 **compensation in a weekly amount equal to sixty-six and two-thirds**
- 17 **percent (66 2/3%) of STEP FOUR of the following formula:**

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**STEP ONE:** Determine the employee's average weekly earnings from employment with limitations or restrictions that is entered after the employee's injury, if any.

**STEP TWO:** Determine the employee's average weekly earnings from employment before the employee's injury.

**STEP THREE:** Determine the greater of:

(A) the STEP TWO result minus the STEP ONE result; or

(B) zero (0).

**STEP FOUR:** Determine the lesser of:

(A) the STEP THREE result; or

(B) the maximum average weekly wage at the time of the injury (as defined in section 22 of this chapter).

(d) Not later than sixty (60) days after the employee's release to return to work with permanent restrictions or permanent limitations, the employee must receive notice from the employer on a form provided by the board that informs the employee that the employee has been released to work with permanent limitations or permanent restrictions. The notice must include:

(1) an explanation of the permanent limitations or permanent restrictions placed on the employee;

(2) the amount of disabled from trade compensation the employee has been awarded; and

(3) information for the employee regarding the terms of this section.

(e) Disabled from trade compensation is in addition to any other compensation awarded to an employee as a result of a temporary total disability or a permanent partial impairment.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1728, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 38, delete "benefits" and insert "**or temporary partial disability compensation**".

Page 3, line 40, delete "**permanent**" and insert "**temporary**".

Page 3, line 40, after ";" insert "**and**".

Page 3, line 41, after "with" insert "**permanent**".

Page 4, line 1, delete "**and**".

Page 4, delete line 2.

Page 4, line 13, delete "." and insert "**, if any.**".

Page 4, line 36, delete "benefits" and insert "**compensation**".

Page 4, line 37, delete "permanent" and insert "**temporary**".

and when so amended that said bill do pass.

(Reference is to HB 1728 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 8, nays 4.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1728 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 36.

Page 3, line 41, delete "and".

Page 3, between lines 41 and 42, begin a new line block indented and insert:

**"(2) has reached maximum medical improvement; and".**

Page 3, line 42, delete "(2)" and insert "(3)".

Page 4, line 9, after "to" insert **"sixty-six and two-thirds percent (66 2/3%) of"**.

Page 4, line 21, delete "seven hundred sixty-two dollars (\$762)." and insert **"the maximum average weekly wage at the time of the injury (as defined in section 22 of this chapter)."**.

Page 4, line 23, after "with" insert **"permanent"**.

Page 4, line 23, after "or" insert **"permanent"**.

Page 4, line 26, after "with" insert **"permanent"**.

Page 4, line 26, after "or" insert **"permanent"**.

Page 4, line 27, after "the" insert **"permanent"**.

Page 4, line 27, after "or" insert **"permanent"**.

Page 4, delete lines 36 through 39.

Renumber all SECTIONS consecutively.

(Reference is to HB 1728 as printed February 3, 1999.)

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